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Exegit monumentum aere perennius. For with the fall of brass in Berlin, who shall say that the New Jersey chancery reports will not outwear the most solemn "monument"?

STATE JURISDICTION OVER SOLDIERS.—Defendant, regularly enlisted, and acting as a dispatch driver, in the United States Naval Reserves, stationed at Newport, the headquarters of the second naval district, was arrested for exceeding the statutory speed limit of motor vehicles, in delivering a dispatch, under specific instructions of his superior officer to proceed with all possible dispatch, in an urgent matter pertaining to the conduct of the war between the United States and Germany; the naval forces stationed there were in control of the adjoining waters, and were charged with guarding the coasts from possible attacks. The lower state court certified the question of liability to the Supreme Court which *held*, Defendant not liable. *State v. Burton* (1918), — R. I. —, 103 Atl. R. 962.

The court says the conduct of the war rests wholly in the Federal Government. Any state law interfering therewith, or with the officers charged with prosecuting the war, is suspended for the time being. The plans of the naval authorities for the furtherance of that purpose cannot be obstructed by the enforcement of such state regulations. Federal officers cannot be prevented from performing their lawful duties by state laws or courts, without right to relief by the Federal Courts, since the Federal laws are paramount. *Cohens v. Virginia* (1821) 6 Wheat 264; *Tennessee v. Davis* (1879), 100 U. S. 257; *In re Neagle* (1889), 135 U. S. 1. Those in the military and naval service of the United States, while in the lawful performance of their duties are within this rule. *United States v. Clark* (1887), 31 Fed. 710; *In re Fair* (1900), 100 Fed. 149; *Ex parte Schlaffer* (1907), 154 Fed. 921; *In re Walzer* (1916), 235 Fed. 362, Ann. Cas. 1917 A-274. On the other hand an officer or soldier is not exempt from civil or criminal liability just because he is such officer, nor under a claim of performance of duty, if that is a mere subterfuge to evade liability. *In re Waite* (1897), 81 Fed. 359, 370. In time of peace the Federal Courts will not interfere with the prosecution of persons in the military service, in the State courts, for violation of State laws, unless they are at the time engaged in the actual performance of their duties as soldiers. *United States v. Lewis* (1906), 200 U. S. 1, 26 S. C. 229; but compare, *Er parte Bright* (1874), 1 Utah 145. In England, the military is strictly subordinate to the civil power, and an officer, or a soldier under command of an officer, acts strictly at his peril, and is liable for the violation of the law,—“be hanged if he obeys, and be shot if he does not obey,” if he violates the civil laws. DICEY, LAW OF THE CONSTITUTION, 8th Ed., pp. 297-302; notes pp. 512, 538; BATY & MORGAN, WAR, ITS CONDUCT & RESULTS, p. 147 et seq. In this country there is conflict among recent opinions. See *Commonwealth v. Shortall* (1903), 206 Pa. St. 165, 98 Am. St. R. 759, 65 L. R. A. 193, and *Franks v. Smith* (1911), 142 Ky. 232, Ann. Cas. 1912 D-319. See Notes Ann. Cas. 1917 C, pp. 9-27; L. R. A. 1917, B-702.